

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1650 of 1986

AND

SP.C.A.Nos.1652 of 1986, 6575 of 1986, 4109 of 1986,
569 of 1986, 1630 of 1986, 1972 of 1986, 6574 of 1986
and 2370 of 1987.

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

NARSI GOVIND

Versus

PROBANDAR MUNICIPALITY AND OTHERS

Appearance:

1. Special Civil Application No. 1650 of 1986
MR SURESH M SHAH for Petitioner
MR ARUN H MEHTA for Respondent No. 1
MR YS LAKHANI for Respondent No. 2
MR BD KARIA for Respondent No. 3

RAMESHCHANDRA DEVJI

Versus

PROBANDAR MUNICIPALITY AND OTHERS

Appearance :

2. Special Civil Application No 1652 of 1986
MR SURESH M SHAH for Petitioner

MR ARUN H MEHTA for Respondent No. 1

MR YS LAKHANI for Respondent No. 2

MR BD KARIA for Respondent No. 3

LALITABEN RATANSI MASANI

Versus

PROBANDAR MUNICIPALITY AND OTHERS

Appearance :

3. Special Civil Application No. 6575 of 1986

MR. B.P.TANNA for petitioner

MR. ARUN H. MEHTA for Respondents.

RAMA MANDAL AND ANOTHER

Versus

PORBANDAR MUNICIPALITY

Appearance :

4.. Special Civil Application No. 4109 OF 1986

MR P H PATHAK for petitioners

MR.ARUN H. MEHTA for respondent.

RANA RANJITSINH KANUBHAI AND ANOTHER

Versus

PORBANDAR MUNICIPALITY AND OTHERS

Appearance :

5. Special Civil Application No. 569 of 1986

MR S.M.SHAH for petitioners.

MR ARUN H MEHTA for respondent no.1.

JUNGI ASHOK LADHU AND OTHERS

Versus

PORBANDAR MUNICIPALITY AND OTHERS

Appearance :

6. Special Civil Application No.1630 of 1986

MR.B.P.TANNA for petitioners

MR.ARUN H MEHTA for respondent no.1

MAHIPATSINH GAMBHIRSINH JADEJA

Versus

PORBANDAR MUNICIPALITY AND OTHERS

Appearance :

7. Special Civil Application No.1972 of 1986

MR S.M.SHAH for the petitioner

MR ARUN H. MEHTA for the respondent no.1

HIRUBEN LADHUBHAI

Versus

PORBANDAR MUNICIPALITY AND ANOTHER

Appearance :

8. Special Civil Application No. 6574 of 1986

MR.B P TANNA for the petitioner

MR ARUN H MEHTA for the respondents

BHUPATRAI B VYAS AND ANOTHER

Versus

STATE OF GUJARAT AND ANOTHER

Appearance :-

9. Special Civil Application No.2370 of 1987

MR R C PATHAK for the petitioners

MR ARUN H MEHTA for the respondent no.2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/05/96

COMMON ORAL JUDGEMENT

Heard learned counsel for the parties. Mr.Mehta,
learned counsel for the respondent Porbandar Municipality
made a statement that the workman in Spl.C.A.NO.1658 of
1986 died on February 8, 1992. He further states that the
workman petitioner in Spl. C.A.No. 6575 of 1986 died in
1992 and workman petitioner in Spl.C.A.No. 4109 of 1987
is not traceable and hence he is not in service.

The facts are not required to be given in detail
for the reasons that the counsel for the parties are in
agreement that all the petitioners, except petitioner in
Spl.C.A.No.4109 of 1987 have been taken back in service
and they are continued in service and they are getting
their regular pay on the post on which they are working.
These are the subsequent events taken place. The
petitioners are taken back in service on their regular
pay scale on the basis of the award passed by the
Industrial Tribunal, Rajkot. In view of these facts, the
petitions do not survive. Mr.S.M.Shah, the learned
counsel for some of the petitioners, contended that the
petitioners are claiming regular appointment from
retrospective effect and in case, something remained to
be paid as per the award, they may be given opportunity
to approach to the Porbandar Municipality in respect of
their grievances. Mr. Mehta, the Learned Counsel for
the respondent Porbandar Municipality, on the other hand,
contended that the petitioners are given all benefits for
which they were entitled and now nothing remains to be
considered. If that as it may be. In case the

petitioners make some representation, it is always better for modern employer to consider the same and pass appropriate orders. This court cannot prohibit the petitioners from making any representation. It is a matter between the employer and employees and in case, an employee has any grievance, then he has fundamental right to make representation to the employer being modern one. In this case, the Porbandar Municipality which is a State within the meaning of Art. 12 of the Constitution, has to consider the same and if the Municipality satisfies for the grievances, it has to be considered and if not, it may be rejected. For such matters, no courts are required. It is a mutual matter to be taken and decided by the Municipality.

With the aforesaid observation, all the writ petitions are dismissed, without any orders as to costs. Rule discharged. Ad-interim relief, if any, granted earlier, stands vacated.
